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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,614	05/19/2005	Luis Carriere Lluch	WOG 8503.0005	9249

152 7590 05/24/2007  
CHERNOFF, VILHAUER, MCCLUNG & STENZEL  
1600 ODS TOWER  
601 SW SECOND AVENUE  
PORTLAND, OR 97204-3157

EXAMINER
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BUMGARNER, MELBA N

ART UNIT	PAPER NUMBER
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3732

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/535,614

Applicant(s)

CARRIERE LLUCH, LUIS

Examiner

Melba Bumgarner

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13, 15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wildman (3,578,744). Wildman discloses an orthodontic bracket 10 having a base 12 and a first and second arm members extending from the base in an outward direction and defining an archwire slot 28 between them, the first arm member defining an outward surface of the bracket opposite the base and to one side of the archwire slot, second arm member having an outwardly convex curved shape opposite the base and including a receiving slot 26 on its outward surface oriented transverse to the archwire slot and a correspondingly curved slide member defining a convex outward surface of the bracket opposite the base and to the other side of the archwire slot, the slide member 38 having a guide 44 for slidable engagement with the receiving slot, the slide member has a length sufficient to bridge the archwire (figures 1,2). Wildman discloses a first pair of arm members and second pair of arm members substantially parallel to the first pair, each pair having the features of above first and second arm members and correspondingly curved slide member.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3732

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (2,549,528) in view of Vashi (6,247,923). Russell discloses an orthodontic bracket having a base 6 and a first and second arm members extending from the base in an outward direction and defining an archwire slot 18 between them, the first arm member 12 defining an outward surface of the bracket opposite the base and to one side of the archwire slot, second arm member including a receiving slot on its outward surface oriented transverse to the archwire slot and a corresponding slide member defining an outward surface of the bracket opposite the base and to the other side of the archwire slot, the slide member 7 having a guide for slidable engagement with the receiving slot, the slide member has a length sufficient to bridge the archwire (figures 3,6); however, Russell does not show the outwardly convex curved shape on the second arm member and correspondingly curved slide member. Vashi teaches an orthodontic bracket having an outwardly convex curved shaped on the second arm member and a correspondingly curved slide member defining a convex outward surface of the bracket opposite the base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the outer convex shapes of Vashi in order to have smoothened edges to make the brackets comfortable to patients in view of Vashi. Russell discloses the receiving slot and guide having cooperatively and slidingly mating dovetail shapes. Vashi shows the outwardly curved convex shape of an arc of a circle. Russell shows the receiving slot including a retaining tab 17 for cooperatively mating with a recess 21 in the guide for holding the slide member in either an open or a closed position. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have the guide including a tab and a recess in the slide member, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 166. Russell shows the slide member including a recess 9 for the introduction of a tool. Vashi shows a first pair of arm members and second pair of arm members substantially parallel to the first pair (figure 14) and teaches this embodiment in order to be able to exert better rotation control.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments pertaining to Wildman have been fully considered but they are not persuasive, as Wildman shows the structural limitations of claims 13, 15 and 19, including the second arm member having an outwardly convex curved shape opposite the base and including a receiving slot 26 on its outward surface oriented transverse to the archwire slot 28.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriquez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melba Bumgarner  
Primary Examiner